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Attorneys for Defendant

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
CLUES FASHIONS, INC.,	:	
	:	
Plaintiffs,	:	<b><u>NOTICE OF MOTION</u></b>
	:	
- against -	:	08-CV-6146 (GBD)(HP)
	:	
COSTCO WHOLESALE CORP.,	:	ECF CASE
	:	
Defendant.	:	
-----X	:	

TO THE HONORABLE GEORGE B. DANIELS  
UNITED STATES DISTRICT JUDGE:

PLEASE TAKE NOTICE, that upon the accompanying declaration of Tammi Laush dated July 8, 2008, and Memorandum of Law dated July 10, 2008, defendant Costco Wholesale Corp. ("Costco") will move this Court before the Honorable George B. Daniels, United States District Judge, Southern District of New York, 500 Pearl Street, Courtroom 15D, New York, New York 10007 at such time as the Court shall direct, for an Order, pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure, 28 U.S.C. § 1406, and 9 U.S.C. § 3, to dismiss the action, or alternatively, transfer venue to the United States District Court for the Western District of Washington for that court to compel arbitration; or, alternatively, stay the

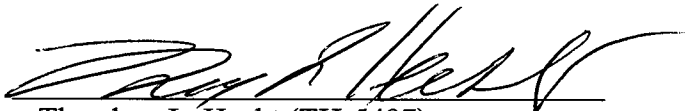
action pending arbitration in Seattle, Washington on the ground that the parties' agreement provides that the dispute is referable to arbitration to be conducted in Seattle, Washington; and granting such other and further relief to defendant Costco as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 6 of the Federal Rules of Civil Procedure and Local Civil Rule 6.1, opposing papers and answering memorandum of law shall be served on Costco's counsel, Michael B. Goldsmith, Silverberg Stonehill Goldsmith & Haber, P.C., 111 W. 40<sup>th</sup> Street, New York, New York 10018, and filed with the Court within ten (10) business days after service of the within moving papers;

Dated: New York, New York  
July 10, 2008

Respectfully yours,

SCHNADER HARRISON SEGAL & LEWIS LLP

By:   
Theodore L. Hecht (TH-5497)

TO: (VIA ECF)

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